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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,853	01/30/2004	Hiroki Hayashi	00684.003576.	4134
5514	7590	05/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,853

Applicant(s)

HAYASHI ET AL.

Examiner

Anh T.N. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 03/01/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/01/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL REJECTION

The objection of the drawings is withdrawn in view of the amendments to the drawings.
The proposed correction for the drawings is approved.

Claims Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 USC 103 (a) as being unpatentable over Hanson et al. (US Pat. 6,755,516) in view of Hatasa et al (US 6,431,681).

Hanson et al. disclose in Figures 1-9c an ink container for an ink jet printer comprising:

- a container body (34) for containing liquid and including a front side engaging portion (72) and a rear side engaging portion (82) for engagement with the container holder (14), said front side engaging portion (72) and rear side engaging portion (82) being disposed at a leading side and a trailing side, respectively with respect to an inserting direction of a container (12) into the container holder (14) (Figures 5b and 7a-7c);
- a projection (40), provided on only one of lateral sides of said container body which extend parallel with the inserting direction, for being guided, when said container (12) is mounted to the container holder (14), along an upper end of a guide rail (46) provided on a guide wall in the container holder (14) while the other lateral side is being limited by an inner surface of the container holder (14), and said container (12) is being rotated substantially about said front

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side engaging portion (72) (Figures 4 and 7a-7c);

- wherein said container holder (14) having a plurality of mounting portions (56, 58), and a width A of said liquid container (12) measured between the substantially parallel lateral surfaces which are substantially parallel with the inserting direction when said liquid container (12) is mounted to said container holder (14), a distance B between inner surfaces of the container mounting portion (56 or 58) opposed to said lateral surfaces of said liquid container;

- wherein said projection (40) is disposed at the leading side (72) (Figure 5b);

- wherein a bottom surface (76) of said container (12) is provided with a liquid supply opening (88) for permitting supply of the liquid into said container (12) (Figure 6);

- wherein a bottom surface (76) of said container (12) is provided with a plurality of said liquid supply openings (88, Figures 5d) which are arranged on a line connecting centers of said front side engaging portion (72) and said rear side engaging portion (82) and which are disposed offset toward said one of the lateral sides having said projection (42) (Figures 2-4 and 5d);

- an elastically displaceable operation lever (30) which elastically displaces when said container is mounted to or demounted from the container holder (14), wherein at least one of said front side engaging portion (72) and said rear side engaging portion (82) is formed into said operation lever (30) (Figures 7a-7c);

- a container holder (14) comprising a front side portion (66) to be engaged and a rear side portion (an unmarked rear wall that contains an element 50) to be engaged which are for being engaged with a front side (72) and a rear side (82) of said liquid container (12) with respect to an inserting direction (Figure 7a);

- wherein said container mounting portion (14) is including a guide rail (46) for guiding along an upper end a projection (40) provided on one of lateral sides of said liquid container (12) which are parallel with the inserting direction when said liquid container (12) is mounted, said guide rail (46) being provided only on one of lateral sides of said container mounting portion (14), and wherein when said liquid container (12) is mounted to said container holder (14), the other lateral side of said liquid container is limited by an inner surface of said container mounting portion, and said liquid container is rotated substantially about a neighborhood of said front portion to be engaged (Figures 4-7c);

- wherein said guide wall functions also as a partition wall for providing a partition between

adjacent ones of container mounting portions (14) (Figure 4);

- wherein the upper end of said guide wall is configured such that position of said liquid container (12) is lowered with respect to a bottom surface of said container mounting portion (58) (Figure 4 and 7a-7c);
- a recording head (16) for ejecting the liquid (Figure 2); and
- plurality of liquid containers (12) containing liquid to be supplied into said recording head (16) (Figures 2-3).

However, Hanson et al does not disclose that “the projection (40) is provided on only one lateral side of the pair of lateral sides of the container body” and the width A of said liquid container, a distance B between inner surfaces of the container mounting portion, a height C of said projection, and a width D of the upper end of said guide wall satisfies $D > C > (B - A)$ ”.

Hatasa et al suggests in Figure 1 an ink cartridge comprising only a guide rib (32) on a guide wall for guiding the ink cartridge when it is mounted in the carriage so that the cartridge would be properly mounted to reduce the possibility that the cartridge and the cartridge holder will be damaged (column 3, lines 15-24).

It would have been obvious to a person having skill in the art at the time the invention was made to employ only one projection in the cartridge of Hanson et al as suggested by Hatasa et al for the purpose properly mounting the cartridge to reduce the possibility that the cartridge and the cartridge holder will be damaged (column 3, lines 15-24).

Noted, a skilled artisan realizes that the number of projections (46) of Hanson is determined by an available number of guiding rails (40) provided by the container holder (14). For example, one projection would be used if the container holder provides only one guiding rail. Also, the optimum dimension of the liquid container and the projection as claimed should be selected to accommodate with a size and shape of the container holder. Thus, selecting an optimum number for the projections, i.e., one projection, and the dimension of the ink container and the projection as claimed is considered to be a matter of a mechanical design expedient for

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an engineer depending on a particular cartridge holder in which the cartridge of Hanson is to be mounted on. It would have been obvious to a person having skill in the art at the time the invention was made to employ only one projection on the cartridge of Hanson and the optimum dimension of the liquid container and the projection as claimed for the purpose of accommodating with an available number of guiding rails and the size and shape of the cartridge holder.

Response to Applicant's Arguments

The applicant argues at page 10 of the amendment that the cartridge of Hanson includes a pair of projections (40) on both lateral sides while the present invention comprises only one projection on only one lateral side. The argument is persuasive. However, employing only one projection is suggested by Hatasa et al and selecting the number of the projection for accommodating with an available number of guiding rails of a predetermined holder is considered to be a matter of a mechanical design expedient for an engineer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (571) 273-8300.


ANH T.N. VO
PRIMARY EXAMINER

May 10, 2006